

15-47
DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
ON July 21, 1994 *RS*

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS

In the Matter of the Suspension
or Revocation of the License of

^{A.}
JAMES D. HUDDY, Phd.

To Practice Psychology
in the State of New Jersey

Administrative Action

COMPLAINT

DEBORAH T. PORITZ, ATTORNEY GENERAL OF NEW JERSEY, by Denise A. Cobham, Deputy Attorney General, with offices located at 124 Halsey Street, Newark, New Jersey, on the basis of information and belief, by way of Complaint says:

COUNT I.

1. Complainant, Attorney General of New Jersey, is charged with enforcing the laws in the State of New Jersey, pursuant to N.J.S.A. 52:17A-4(h), and is empowered to initiate administrative disciplinary proceedings against persons licensed by the Board of Psychological Examiners, pursuant to N.J.S.A. 45:1-14 et seq.

2. The New Jersey State Board of Psychological Examiners is charged with the duty and responsibility of regulating the practice of

psychology in New Jersey pursuant to N.J.S.A. 45:14B-1 et seq.

3. During all times pertinent to the within Complaint, Respondent Dr. James A. Huddy was engaged in the practice of psychology at Association of Diagnostic and Treatment Center, 1 Jaywood Manor, Bricktown, New Jersey 08724, and held license number 1547.

4. During all times pertinent to the within Complaint, N.J.A.C. 13: 42-4.1(a)(1)(xvi)(1)¹ prohibited unethical or unprofessional conduct. Physical contact of a sexual nature between psychologist and client constitutes one form of such prohibited conduct. Section 4.1(a)(1)(xvii)(4) proscribed participation in a conflict of interest which includes exploitation of the trust and dependency of clients and exploitation of the professional relationship with a client.

5. On or about March 13, 1989, Ms. M.D. consulted Respondent for treatment of marital problems. Dr. Huddy diagnosed M.S. as suffering from generalized anxiety disorder and within a psychologist - patient relationship rendered psychological services, including psychotherapy, in order to treat the diagnosed condition.

6. During the course of an ongoing psychologist - patient relationship, Dr. Huddy, on numerous occasions, had sexual relations with M.S. in his office. She was billed for these "sessions," and her insurer, Medicaid, paid for these "sessions."

7. On August 22, 1990, while still receiving "treatment" from Respondent, M.S. gave birth to a child.

¹On November 1, 1993 the Board regulations cited herein were repealed and new regulations were adopted. The new regulations continue each prohibition cited herein as unlawful conduct. See N.J.A.C. 13:42-10.9 and N.J.A.C. 13:42-10.13.

8. The psychologist - patient relationship with Dr. Huddy terminated on or about February, 1991.

9. On July 1, 1991, by Order of the Chancery Division of the Superior Court of New Jersey, Ocean County, embodying Respondent's stipulation of paternity, the issue of paternity of M.S.'s child born on August 22, 1990 was resolved.

10. Respondent's engaging in a course of sexual conduct with M.S. during a psychologist - patient relationship constitutes violation of N.J.A.C. 13:42-4.1(a)(1)(xvi)1 and 4.1(a)(1)(xvii)(4). Respondent's conduct under these circumstances further constitutes gross and repeated malpractice, professional misconduct, and failure to maintain the ongoing requirement of good moral character, all in violation of N.J.S.A. 45:1-21(b), (c), (e) and (h) and N.J.S.A. 45:14B-14(b) and 24(e) and (f). Each separate instance of said conduct constitutes a separate transaction and a separate offense.

WHEREFORE, Complainant demands the entry of an Order against Respondent including the following:

1. The suspension or revocation of the license heretofore issued to Respondent to practice psychology in the State of New Jersey.
2. Imposition of penalties for each separate unlawful act as set forth in Count 1.
3. Imposition of costs, including investigative costs, fees for experts and witness expenses, and costs of trial including transcripts.
4. Reimbursement to patients and/or third party payors and/or the payor agency of all monies received for acts found to be unlawful in the

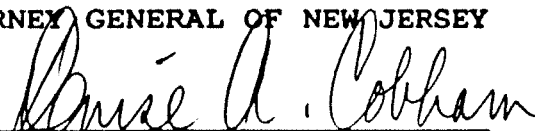
circumstances alleged herein.

5. Direction to cease and desist from the unlawful conduct proved;
and

6. Such other and further relief as the Board of Psychological
Examiners shall deem just and appropriate.

DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

By:


Denise A. Cobham
Deputy Attorney General

Dated:

